

REMARKS

By this amendment, Applicant amends independent claim 50 in the manner agreed to during the recent interview between the Examiner, Supervisors and Applicant, and cancels without prejudice all remaining claims except claims 53 and 59 which are dependent upon claim 50. The amendment to claim 50 primarily involves the incorporation of the subject matter of previous dependent claim 52, and other minor changes are made to overcome certain minor objections to the claim wording as described below. These amendments are thus fully supported in the application and no new matter is added. For reasons as set forth below, and as stated and agreed upon during the Interview, Applicant submits that the present amendments overcome all of the outstanding rejections and place this application in condition for immediate allowance.

As an initial matter, Applicant wishes to thank the Examiner and Supervisors for the extremely helpful Interview recently conducted in this application. The Examiner and Supervisors are thanked for their courtesy and for their efforts in achieving allowable subject matter and expediting the prosecution of the application.

In particular, as was set forth in the Interview, Applicant once again pointed out that in the many years this application has been pending, not a single prior art reference has been cited which discloses or remotely suggests Applicant's claimed invention, namely the use of human serum albumin in a cleansing composition. The fact that the Examiner had not located such a reference in the many years of prosecution was acknowledged during the Interview.

Instead, the cited art has related to the tangential use of proteins such as albumin in compositions that were clearly not used for cleansing, and instead were used for cosmetic applications separate and apart from cleansing. Indeed, as Applicant has previously pointed out, previously cited references such as Kligman European Patent application 244859 and Miller European Patent application 180968 (both issued to Exovir, Inc.) related **only** to cosmetic anti-wrinkle compositions and **not** to a cleansing composition as set forth in Applicant's claimed invention. This fact is made clear in that in the Exovir references, the inventors state that their cosmetic compositions need to be applied **after the skin is cleansed** with a cleansing agent or soap. See EP 180968 at page 5 ("In use as an antiwrinkle agent, before the HSA preparation is applied to the skin, **the skin is cleansed and dried**, such as by cleansing with soap and water or by use of a cleansing cream") and EP 244859 at Example I ("When used as an antiwrinkle preparation, before the lotion is applied to the skin, **the skin is cleansed and dried**, such as by cleansing with soap and water or by use of a cleansing cream") (Emphasis added).

Accordingly, in this regard, the Examiner acknowledged in the Interview that the current prior art rejection on the basis of Mausner U.S. Pat. No. 5,254,331 was **not** on the basis that Mausner disclosed or suggested an albumin composition containing a cleansing agent present in an amount effective to cleanse skin or hair, but because Mausner allegedly contained ingredients such as steareth-21 which are allegedly sometimes used as a cleansing agent. In fact, Mausner does not teach or suggest a liquid soap, and indeed this reference relates entirely to a skin cream composition. Moreover, Mausner clearly does not disclose or suggest the use of human serum albumin in a liquid soap, and certainly does not teach the

use of human serum albumin in the range of 1 to 60 mg/ml in a liquid soap as is now claimed in the present application. It is thus clear that Mausner does not disclose or suggest the present claims and actually teaches away from the present claims because it discloses a skin cream composition which, as is shown in the other references referred to above, will require a separate cleansing composition to be used if cleansing is desired.

As a result, as was acknowledged during the Interview by the Examiner and Supervisors, the present amendments wherein the level of human serum albumin in a range of 1 to 60 mg/ml of the liquid soap will overcome the cited Mausner reference which does not anticipate or make obvious the present claims. In addition, for the reasons as set forth below, all of the outstanding rejections from the Official Action have now been overcome by virtue of the present amendments.

In the Official Action, the Examiner had rejected the pending claims under 35 U.S.C. § 112, first paragraph, on the basis of new matter. However, in the present amendments, the Applicant has eliminated the language “an amount sufficient to impart a cleansing effect”, and the Applicant explained during the Interview that the claim was otherwise fully disclosed in the original specification. Accordingly, the Examiner’s rejection on the basis of new matter is respectfully traversed and should be withdrawn.

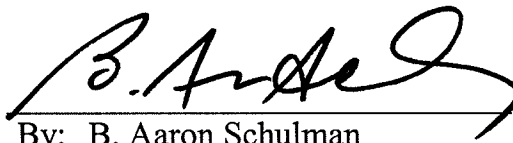
In the Official Action, the Examiner had rejected Claims 50, 52 and 59 under 35 U.S.C. § 112, second paragraph, on the basis of indefiniteness on the grounds that the wording “vehicle, carrier or excipient” were unclear as used in these claims. This rejection has become moot in light of Applicant’s deletion of these terms from amended Claim 50.

Finally, in the Official Action, the Examiner rejected the claims under 35 U.S.C. §102(b) as anticipated by Mausner U.S. Pat. No. 5,254,331 and additional documents and references. However, for reasons as set forth in detail above and at the Interview, Mausner does not disclose or remotely suggest Applicant's claimed cleansing composition, and indeed teaches away from the present claims because it discloses the type of cosmetic that requires a separate cleansing composition. With regard to the other references cited in the Official Action (Cosmetics INFO 2007, "Steareth-21" definition, "Soap" definition and Borgarello US 4942179), these were only cited for purposes of providing support for the Examiner's allegations regarding the Mausner patent and are otherwise irrelevant to the claims. Accordingly, Applicant submits that the Examiner's rejection on the basis of the Mausner reference and the other cited references, insofar as applied to the claims as amended, is respectfully traversed and should be withdrawn.

In light of the reasons stated above and during the Interview with the Examiner and his Supervisors, Applicant submits that the application overcomes all prior rejections and is in condition for immediate allowance. Such action is respectfully requested.

Respectfully submitted,

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